

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

**MICROSOFT CORPORATION,**

**Plaintiff,**

**v.**

**L&Y ELECTRONICS, INC., *et al.*,**

**Defendants.**

**Case No. 1:08cv00596-GBL-JFA**

**PLAINTIFF MICROSOFT CORPORATION'S  
MOTION TO DISMISS COUNTERCLAIMS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), and for the reasons set forth in the accompanying memorandum of law, plaintiff and counter-defendant Microsoft Corporation (“Microsoft”) hereby moves the court to dismiss the counterclaims brought by defendants and counterclaimants L&Y Electronics, Inc., a Virginia corporation, John A. Linton, an individual, and Sangsoon Linton, an individual, (collectively, “Defendants”), in their Answer, Affirmative Defenses and Counterclaims [Dkt. No. 9, July 14, 2008]. Alternatively, Microsoft asks the Court to order Defendants to provide a more definite statement of their counterclaims pursuant to Federal Rule of Civil Procedure 12(e).

DATED this 4th day of August, 2008.

Respectfully submitted,

By                     /s/                      
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**CERTIFICATE OF SERVICE**

I hereby certify this 4th day of August, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following individuals:

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